

Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Brock's Marshmallow Marbles. A real marble with every piece. Brock Candy Company, Chattanooga, Tennessee."

It was alleged in the libel that the article was adulterated in that each piece of candy contained an added deleterious ingredient, a hard marble, which might have rendered the said article injurious to health.

On September 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20121. Adulteration and misbranding of rice. U.S. v. 50 Sacks of Rice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27759. I.S. No. 32491. S. No. 5843.)

This action involved a quantity of rice which was found to be of lower grade than Extra Fancy, the grade declared on the label.

On February 20, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 sacks of rice, remaining in the original unbroken sacks at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 11, 1932, by the Pacific Trading Co., from San Francisco, Calif., to Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Japan Rice Grown in California."

It was alleged in the libel that the article was adulterated in that rice of a different and lower grade than Extra Fancy had been substituted in whole or in part for rice of Extra Fancy grade, which the article purported to be.

Misbranding was alleged for the reason that the statement "Extra Fancy" was false and misleading and deceived and misled the purchaser, since it represented that said article was rice of Extra Fancy grade, whereas it was of a different and lower grade.

On August 23, 1932, the Pacific Trading Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be relabeled, and that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20122. Misbranding of butter. U.S. v. 9 Cases of Butter. Default decree of forfeiture and destruction. (F. & D. No. 28001. I.S. No. 43519. S. No. 6020.)

This case involved the shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On March 30, 1932, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine cases of butter, which had been shipped from Marion, Ind., about March 18, 1932, consigned to Concord, N.H., and sampled en route. It was alleged in the libel that the article had been shipped by Swift & Co., Marion, Ind., that it remained in the original unbroken packages at White River Junction, Vt., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cresta Creamery Butter. Distributed by Swift & Company * * * Chicago, * * * 1 Lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 1, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*